

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN – NORTHERN DIVISION

IN RE:

LARRY L. HARMON and SHARON HARMON
Debtors

Case No. 14-21208

Chapter 13

Hon. Daniel S. Opperman

MOTION FOR HARDSHIP DISCHARGE

NOW COME the Debtors, LARRY L. HARMON and SHARON HARMON, by and through their attorneys, SMITH BOVILL, P.C., and in this Motion for Hardship Discharge state as follows:

1. That Debtors filed for Chapter 13 bankruptcy on May 23, 2014.
2. That Debtors' Chapter 13 Plan was confirmed on July 27, 2015.
3. That as of March 2017 Debtor, LARRY L. HARMON, has been out of work due to contracting Huntington's disease. He will never work again.
4. Debtor, SHARON HARMON, is not working due to an automobile accident in December 2017.
5. That amendments to Schedule I and J have been filed. (DN #65)
6. That Debtors have only paid through the plan the second mortgage – First Merit Bank f/k/a Citizens and attorney fees. Debtors paid through January of 2017 \$372 a month and Debtors are now paying \$50 a month. No unsecured creditors/debts have been paid in this case.
7. That in a Chapter 7 Bankruptcy all of the Debtors' real and personal property would have been fully exempt. In a hypothetical liquidation general unsecured creditors would not have received a dividend.
8. That the value of property actually distributed under the plan to unsecured creditors is therefore the same as what would have been paid to unsecured creditors in a hypothetical Chapter 7 Bankruptcy.
9. That Debtors' anticipated failure to complete plan payments is due to circumstances for which Debtors should not justly be held accountable.
10. That modification of the plan is not feasible due to drastic changes in personal and

financial circumstances of the Debtors.

11. Debtors have listed their home for sale over a year ago and have been unable to sell it.
12. Debtors are in the process of moving near Detroit to be closer to medical treatment.
13. October 2017 was the last time Debtors were able to make a mortgage payment.
14. The first mortgage is paid outside the plan to Federal National Mortgage Association.
15. The Thrift Savings Plan is paid outside the plan.
16. Debtors stated their 2017 income tax due is \$5,074 for federal and \$3,042 for state because Debtor, LARRY L. HARMON, made early withdrawals from his 401K due to his medical condition and has received penalties.
17. Debtors started receiving social security disability in March 2018.
18. The unpaid balances on the mortgages exceed the amount that will be realized upon the sale of the property.

WHEREFORE, Debtors pray that this Honorable Court will grant them a Hardship Discharge pursuant to 11 U.S.C. § 1328(b).

Dated: July 17, 2018

/s/ DAVID J. FISHER
SMITH BOVILL, P.C.
200 St. Andrews Rd.
Saginaw, MI 48638
Ph.: (989) 792-9641
Fax: (989) 792-1116
Email: djfsecretary@smithbovill.com
Bar: (P23347)

UNITED STATES BANKRUPTCY COURT
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IN RE:

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Case No. 14-21208
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Hon. Daniel S. Opperman

ORDER GRANTING MOTION FOR HARDSHIP DISCHARGE
PURSUANT TO 11 U.S.C. § 1328(b)

The Debtors having filed a motion requesting a hardship discharge and the motion having been properly noticed out and no timely objections or response having been filed or if filed, it has been withdrawn or overruled;

THE COURT FINDS THAT:

- A) That Debtors are unable to complete their required plan payments.
- B) That Debtors' failure to complete plan payments are due to circumstances beyond their control;
- C) The value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate had been liquidated under Chapter 7.
- D) A modification of the plan under Section 1329 is not feasible.

IT IS ORDERED that Debtors shall be and hereby are granted a "hardship discharge" pursuant to 11 U.S.C. § 1328(b).

Prop. order

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NOTICE OF FILING MOTION FOR HARDSHIP DISCHARGE

DAVID J. FISHER, Attorney for Debtors, has filed papers with the Court seeking a Hardship Discharge.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant a **hardship discharge**, or if you want the court to consider your views on the motion, **within 14 days**, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:

U.S. Bankruptcy Court
111 First Street
Bay City, MI 48708

If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

You must also mail a copy to:

Thomas McDonald
Chapter 13 Trustee
3144 Davenport
Saginaw, MI 48602

David J. Fisher (Attorney for Debtors)
200 St. Andrews Rd.
Saginaw, MI 48638

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: July 17, 2018

/s/ DAVID J. FISHER
SMITH BOVILL, P.C.
200 St. Andrews Rd.
Saginaw, MI 48638
Ph.: (989) 792-9641
Fax: (989) 792-1116
Email: djfsecretary@smithbovill.com
Bar: (P23347)

*Response or answer must comply with F.R. Civ.P. 8(b), (c) and (e).

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Hon. Daniel S. Opperman

CERTIFICATE OF SERVICE

I hereby certify on July 17, 2018, I mailed by U.S. Postal Service the foregoing papers:

**Motion for Hardship Discharge
Proposed Order
Notice of Motion**

by enclosing the same in an envelope and addressing same pursuant to the attached Court's
Mailing Matrix printed on **July 17, 2018**, and depositing the same in a United States mail
receptacle with first class postage fully prepaid thereon.

I declare under penalty of perjury that the above and foregoing is true and correct to the
best of my information and belief.

Dated: July 17, 2018

/s/PAMELA SUE SCHLAGEL
SMITH BOVILL, P.C.
200 St. Andrews Rd.
Saginaw, MI 48638
Ph.: (989) 792-9641
Fax: (989) 792-1116
Email: djsecretary@smithbovill.com

Label Matrix for local noticing
0645-1
Case 14-21208-dob
Eastern District of Michigan
Bay City
Mon Jul 16 11:59:15 EDT 2018
AT & T
c/o RPM
20816 44th Ave. W
Lynnwood, WA 98036-7744

1st National Bank of Omaha
P.O. Box 3412
Omaha, NE 68103-0412

ALTAIR OH XIII, LLC
C O WEINSTEIN, PINSON, AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

AT & T Mobility
P.O. Box 6416
Carol Stream, IL 60197-6416

(p)CITIBANK
PO BOX 790034
ST LOUIS MO 63179-0034

AT&T Mobility II LLC
% AT&T Services, Inc
Karen Cavagnaro, Paralegal
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2693

Advance Diagnostic Imaging
P.O. Box 5987
Saginaw, MI 48603-0987

AllTemp Comfort, Inc.
1103 E. Caro Rd.
Caro, MI 48723-1216

Back in Motion Rehabilitation
946 W. Midland Rd., Suite B
Auburn, MI 48611-9400

(p)BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Bank of America (1st Mort.) (Seterus)
P.O. Box 15222
Wilmington, DE 19886-5222

Bill We Later
P.O. Box 105658
Atlanta, GA 30348-5658

Blue Water Fed. C.U.
c/o J. J. Marshall & Associates, Inc.
P.O. Box 182190
Shelby Township, MI 48318-2190

Bluewater Federal Credit Union
526 Water St. Rm. 113
Port Huron, MI 48060-5463

CACH, LLC
4340 S. Monaco Street
2nd Floor
Denver, CO 80237-3485

CACH, LLC
PO Box 10587
Greenville SC 29603-0587

Capital One NA
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

Capital One/Best Buy
P.O. Box 30253
Salt Lake City, UT 84130-0253

Capital One/Elder Beer
P.O. Box 30253
Salt Lake City, UT 84130-0253

Chase
P.O. Box 15298
Wilmington, DE 19850-5298

Chase
P.O. Box 94014
Palatine, IL 60094-4014

Chase (S & L Homes Account)
P.O. Box 94014
Palatine, IL 60094-4014

Chase (Amazon)
P.O. Box 94014
Palatine, IL 60094-4014

Chase / Bank One Card Serv.
P.O. Box 15298
Wilmington, DE 19850-5298

Chase Bank USA
P.O. Box 15298
Wilmington, DE 19850-5298

Citibank, N.A./Citi AT & T Universal
c/o ARS National Service, Inc.
P.O. Box 463023
Escondido, CA 92046-3023

Citizens Bank
400 Quincy St.
Hancock, MI 49930-1839

Citizens Bank - First Merit (2nd Mort.)
328 S. Saginaw St.
Flint, MI 48502-1923

City of Caro
317 S. State St.
Caro, MI 48723-1725

Comenity Bank/EldrBrmn
3100 Easton Square Pl
Columbus, OH 43219-6232

Covenant Medical Center
1447 North Harrison
Saginaw, MI 48602-4727

Covenant Medical Center
P.O. Box 3055
Milwaukee, WI 53201-3055

Covenant Pathology Associates, P.C.
P.O. Box 638012
Cincinnati, OH 45263-8012

Department Stores National Bank/Macy's
Bankruptcy Processing
Po Box 8053
Mason, OH 45040-8053

Discover
P.O. Box 6103
Carol Stream, IL 60197-6103

Discover
P.O. Box 6104
Carol Stream, IL 60197-6104

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

Discover Financial Svcs LLC
P.O. Box 15316
Wilmington, DE 19850-5316

Elder-Beerman
P.O. Box 182782
Columbus, OH 43218-2782

FIA CARD SERVICES/BANK OF AMERICA
c/o Northstar Location Services, LLC
Attn: Financial Services Dept.
4285 Genesee St.
Cheektowaga, NY 14225-1943

FIA Card Services/BOA
c/o Northstar
Attn: Financial Services Dept.
4285 Genesee St.
Cheektowaga, NY 14225-1943

FIA SERVICES/BANK OF AMERICA
C/O Northstar Location Services, LLC
Attn: Financial Services Dept.
4285 Genesee St.
Cheektowaga, NY 14225-1943

Federal National Mortgage Association
PO Box 2206
Grand Rapids, MI 49501-2206

Federal National Mortgage Association
creditor c/o Seterus, Inc.
PO Box 1047
Hartford, CT 06143-1047

First Bank Card (Citizen's Bank)
P.O. Box 2557
Omaha, NE 68103-2557

FirstMerit Bank
101 N Washington
Saginaw, MI 48607-1207

David J. Fisher
200 St. Andrews Rd.
Saginaw, MI 48638-5938

GE Capital
c/o Mary Jane Elliott
24300 Karim Blvd.
Novi, MI 48375-2942

GE Capital/WalMart
P.O. Box 965024
Orlando, FL 32896-5024

GECRB/Home Design
P.O. Box 965036
Orlando, FL 32896-5036

GECRB/Sams Club
P.O. Box 965005
Orlando, FL 32896-5005

HSBS/Best Buy
P.O. Box 5893
Carol Stream, IL 60197-5893

Michael M. Hall
Michael M. Hall PLC
6620 Weis Road
Saginaw, MI 48603-2756

Larry L. Harmon
210 Pamela Dr.
Caro, MI 48723-1172

Sharon K. Harmon
210 Pamela Dr.
Caro, MI 48723-1172

Michael P. Hogan
23938 Research Drive
Ste. 300
Farmington Hills, MI 48335-2605

Home Depot
P.O. Box 790328
Saint Louis, MO 63179-0328

Home Depot/CitiBank
P.O. Box 6497
Sioux Falls, SD 57117-6497

Home Depot/Citibank, N.A.
c/o Northland Group, Inc.
P.O. Box 390905
Minneapolis, MN 55439-0905

Kohl's Department Store
P.O. Box 3115
Milwaukee, WI 53201-3115

Macy's
P.O. Box 183083
Columbus, OH 43218-3083

Macy's
P.O. Box 8218
Mason, OH 45040-8218

Macy's
c/o Capital Man. Services, LP
698 1/2 South Ogden St.
Buffalo, NY 14206-2317

Macys/Marshall Fields
P.O. Box 9475
Minneapolis, MN 55440-9475

Martineau, Hackett, Romashko & O'Neil
555 N. Main
P.O. Box 446
Mount Pleasant, MI 48804-0446

Thomas McDonald
3144 Davenport
Saginaw, MI 48602-3494

NEK

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quest Diagnostics
P.O. Box 740020
Cincinnati, OH 45274-0020

Saginaw Valley Bone & Joint
C.A.R.M.
P.O. Box 358
Cadillac, MI 49601-0358

Sam's Club
P.O. Box 530942
Atlanta, GA 30353-0942

Sears
P.O. Box 183082
Columbus, OH 43218-3082

Sears/CBNA
P.O. Box 6282
Sioux Falls, SD 57117-6282

Sears/Citibank
c/o Portfolio Recovery Associates, LLC
P.O. Box 12914
Norfolk, VA 23541-0914

Sears/Citibank, N.A.
c/o Portfolio Recovery Associates, LLC
P.O. Box 12914
Norfolk, VA 23541-0914

Seterus, Inc.
14523 SW Millikan Way, Suite 200
Beaverton, OR 97005-2352

Seterus, Inc.
P.O. Box 54420
Los Angeles, CA 90054-0420

Neil R. Sherman
23938 Research Dr.
Suite 300
Farmington Hills, MI 48335-2605

Signature Bank
1 E. Huron Bank
Bad Axe, MI 48413

Signature Bank
One E. Huron Ave.
Bad Axe, MI 48413-1371

Speed Connect
1898 Momentum Place
Chicago, IL 60689-5318

Synchrony Bank
c/o Recovery Management Systems Corp
25 SE 2nd Ave Suite 1120
Miami FL 33131-1605

TD BANK USA, N.A.
C O WEINSTEIN, PINSON, AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

TD Bank USA, N.A./Target Nat'l Bank
c/o Buckles & Buckles, P.L.C.
P.O. Box 1150
Birmingham, MI 48012-1150

TNB-VISA
P.O. Box 673
Minneapolis, MN 55440-0673

Target
P.O. Box 660170
Dallas, TX 75266-0170

Team One Credit Union
520 Hayden St.
Saginaw, MI 48607-1121

Thrift Savings Plan
P.O. Box 385021
Birmingham, AL 35238-5021

Walmart
P.O. Box 530927
Atlanta, GA 30353-0927

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

AT & T Universal Card
Processing Center
Des Moines, IA 50363

Bank of America
4161 Piedmont Pkwy
Greensboro, NC 27410

(d)Bank of America
P.O. Box 15019
Wilmington, DE 19886

(d)Bank of America
P.O. Box 982235
El Paso, TX 79998-2235

Portfolio Recovery Associates, LLC
POB 12914
Norfolk VA 23541

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Federal National Mortgage Association (Fan

(du)Federal National Mortgage Association (Fa

(u)FirstMerit Bank

(u)Seterus, Inc.

End of Label Matrix
Mailable recipients 88
Bypassed recipients 4
Total 92